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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,144	06/14/2001	Domenico Marchioro	34845/GM/1p	5755

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EXAMINER

VALENTI, ANDREA M

ART UNIT PAPER NUMBER

3643

DATE MAILED: 03/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/880,144

Applicant(s)

MARCHIORO, DOMENICO

Examiner

Andrea M. Valenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10, 11 and 13 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

PETER M. POON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3643

*pmf*

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other:

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## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because legal phraseology in line 5.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: element #32 on page 4 line 7 and element #105 on page 4 line 20. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 10, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,353,738 to Chiu.

Regarding Claims 1 and 11, Chiu teaches a modular cage with a frame, which is constituted by profiled elements (#14 and #16) connected by interlocking corner joints (#32), the frame associated with grille-like wall (Fig. 2) elements, each one of the joints has a corner body from which tangs (#37, #35 and #24) extend monolithically and at right angles, the tangs being provided with reversible locking devices adapted to enter corresponding first longitudinally elongated seats (#14) formed in the profiled elements.

Regarding Claim 2, Chiu teaches the frame is associated, at a bottom thereof, with a drawer-like body, (#52) which constitutes the bottom of the cage

Regarding Claim 3, Chiu teaches the profiled elements have a first tubular profiled elements which have only the first seat whose surfaces are shaped substantially complementarily to the tangs of the corresponding joint (Fig. 3 #14 and #37).

Regarding Claim 4, Chiu teaches the profiled elements have a second profiled tubular elements which are arranged at a bottom thereof and have, in addition to the first seats, a second seat which is longitudinally open and is adapted to form a guide for the sliding of the drawer-like body (Fig. 3 #36 and #35).

Regarding Claims 10 and 13, Chiu teaches that each one of the joints has at its corner body a dead hole for accommodating auxiliary components and the auxiliary

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components have wheels with a pin-shaped tang which are suitable to provide wheeled support as a whole for the frame (Fig.2 #26).

Claims 1-4, 10, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,000,121 to Daily.

Regarding Claims 1 and 11, Daily teaches a modular cage with a frame, which is constituted by profiled elements (#64, #62, and #68) connected by interlocking corner joints (Fig. 6 #28), the frame associated with grille-like wall (Fig. 1) elements, each one of the joints has a corner body from which tangs (#58, #56 and #54) extend monolithically and at right angles, the tangs being provided with reversible locking devices adapted to enter corresponding first longitudinally elongated seats (#64) formed in the profiled elements.

Regarding Claim 2, Daily teaches the frame is associated, at a bottom thereof, with a drawer-like body, (#43) which constitutes the bottom of the cage

Regarding Claim 3, Daily teaches the profiled elements have a first tubular profiled elements which have only the first seat whose surfaces are shaped substantially complementarily to the tangs of the corresponding joint (Fig. 2 #64 and #54).

Regarding Claim 4, Daily teaches the profiled elements have a second profiled tubular elements which are arranged at a bottom thereof and have, in addition to the first seats, a second seat which is longitudinally open and is adapted to form a guide for the sliding of the drawer-like body (Fig. 2 #68 and #58).

Regarding Claims 10 and 13, Daily teaches that each one of the joints has at its corner body a dead hole for accommodating auxiliary components and the auxiliary components have wheels with a pin-shaped tang which are suitable to provide wheeled support as a whole for the frame (Fig.1 #40 and #38).

### ***Allowable Subject Matter***

Claim 5-9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent Des. 427,730 teaches a modular animal cage

U.S. Patent No. 5,996,536 (Fig. 4 #81d, 84F and Fig. 5)

U.S. Patent No. 5,533,466 (#170, Fig. 7, Fig. 12, and Fig. 27)

U.S. Patent No. 4,066,042 teaches interlocking corner joints

U.S. Patent No. 4,909,188 (Figs. 3-7)

U.S. Patent No. 6,129,052 (Fig. 2 #4)

U.S. Patent No. 1,151,865 (Fig. 3 #8)

U.S. Patent No. 4,586,463 (Fig. 2 and Fig. 3a)

U.S. Patent No. 2,759,622 teaches tubular profiles

U.S. Patent No. 5,497,728 teaches an animal cage interlocking corner joint

U.S. Patent No. 5,452,681 (Fig. 1 and Fig. 6)

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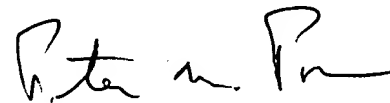
United Kingdom Patent GB 2097234

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-4195 for regular communications and 703-305-0285 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4357.

AMV  
March 14, 2002



PETER M. POON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600